## SECOND REGULAR SESSION

## House Concurrent Resolution No. 50

## 96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAHR (Sponsor), LEACH, FITZWATER, BRATTIN, CRAWFORD, FRANKLIN, SOMMER, SCHIEBER, ALLEN, SHUMAKE, JONES (89), McCAHERTY, LONG, WALLINGFORD, TILLEY, LASATER, BURLISON, KOENIG, PARKINSON, MARSHALL AND KELLEY (126) (Co-sponsors).

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2	WHEREAS, the right of parents to direct the upbringing and education of their children
2	is a fundamental right protected by the Constitution of the United States and the State of
3	Missouri; and
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5	WHEREAS, our nation has historically relied first and foremost on parents to meet the
6	real and constant needs of children; and
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8	WHEREAS, the interests of children are best served when parents are free to make
9	child-rearing decisions about education, religion, and other areas of a child's life without state
10	interference; and
11	WHERE A C. A. H. S. LOC. A. C. A. C. A. W. L. (1070) 1. 1. 114
12	WHEREAS, the United States Supreme Court in Wisconsin v. Yoder (1972) has held that
13	"This primary role of the parents in the upbringing of their children is now established beyond
14	debate as an enduring American tradition"; and
15	WHENEAG 1 1 11 1 1 1 1 1 G C C C C C C C C C C
16	WHEREAS, however, the United States Supreme Court in <i>Troxel v. Granville</i> (2000)
17	produced six different opinions on the nature and enforceability of parental rights under the
18 19	United States Constitution; and
	WHEREAC the Turnel desiring has anothed confusion and ambiguity shout the
20 21	<b>WHEREAS</b> , the <i>Troxel</i> decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several states; and
22	fundamental nature of parental rights in the laws and society of the several states, and
23	WHEREAS, the United Nations Convention on the Rights of the Child has been
24	proposed and may soon be considered for ratification by the United States Senate, which would
25	drastically alter this fundamental right of parents to direct the upbringing of their children; and
26	drastically after this fundamental right of parents to direct the aportinging of their emitten, and
27	WHEREAS, this Convention has already been acceded to by 192 nations worldwide, and
28	has already been cited by United States courts as "customary international law"; and
29	has already occir cited by clinical states courts as castoliary international law, and
30	WHEREAS, international influence is being exerted on the United States Supreme
31	Court, as demonstrated in <i>Roper v. Simmons</i> (2005), where "the Court has referred to the laws

HCR 50 2

72

of other countries and to the international authorities as instructive for its interpretation" of the 33 United States Constitution; and 34 35 WHEREAS, the following has been introduced in the United States Congress as an 36 Amendment to the United States Constitution to prevent erosion of the enduring American 37 tradition of treating parental rights as fundamental rights: 38 39 "SECTION ONE: The liberty of parents to direct the upbringing and education of their children is a fundamental right. 40 41 42 SECTION TWO: Neither the United States or any state shall infringe upon this right without demonstrating that its governmental interest as applied to the person 43 44 is of the highest order and not otherwise served. 45 46 SECTION THREE: No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the 47 48 rights guaranteed by this article."; and 49 50 WHEREAS, this Amendment will add explicit text to the United States Constitution to forever protect the rights of parents as they are now enjoyed, without substantive change to 51 52 current state or federal laws respecting these rights; and 53 54 WHEREAS, such enumeration of these rights in the text of the United States 55 Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court; and 56 57 58 WHEREAS, such enumeration of these rights in the text of the United States 59 Constitution will preserve them from being infringed upon by treaty or international law: 60 61 NOW, THEREFORE, BE IT RESOLVED that the members of the House of 62 Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby affirm the "Parental Rights Amendment to the United States Constitution" as presented to the United States Congress and as referenced herein; and 64 65 66 BE IT FURTHER RESOLVED that the Missouri General Assembly urges the members of the Missouri Congressional delegation to support the proposed Amendment by 67 68 cosponsoring the joint resolution presented in their legislative body as appropriate; and 69 70 **BE IT FURTHER RESOLVED** that the Missouri General Assembly urges members 71 of the United States Congress to propose the Parental Rights Amendment to the states for ratification; and

HCR 50 3

- 73 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
- 74 Representatives be instructed to prepare properly inscribed copies of this resolution for Majority
- 75 and Minority Leaders of the United States Senate and House of Representatives, and each
- 76 member of the Missouri Congressional delegation.

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